

Mark L. Javitch (CA SBN 323729)
Javitch Law Office
3 East 3rd Ave. Ste. 200
San Mateo, CA 94401
Telephone: 650-781-8000
Facsimile: 650-648-0705
mark@javitchlawoffice.com

Attorney for Plaintiff

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

RONEN HELMANN,
Plaintiff,

V.

CODEPINK WOMEN FOR PEACE, a California entity, CODEPINK ACTION FUND, a California entity, HONOR THE EARTH, a Minnesota entity, COURTNEY LENNA SCHIRF, and REMO IBRAHIM, d/b/a PALESTINIAN YOUTH MOVEMENT, and JOHN AND JANE DOES 1-20,

Defendants.

Case No.: 2:24-cv-05704-SVW-PVC

MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT OF
PLAINTIFF'S OPPOSITION TO
HONOR THE EARTH'S MOTION TO
STRIKE AND MOTION TO DISMISS

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

Honor the Earth is providing funding and support for Palestinian Youth Movement (“PYM”), an organization that has no registration. Honor the Earth asserts it can provide operational support for a lawless, unregistered organization, and apparently escape any legal consequences.

But Honor the Earth’s substantial assistance and intertwined relationship with the PYM defendants means this Court does have jurisdiction because it is PYM’s agent and civil conspirator, both in facilitating the attack on Adas Torah Synagogue and permitting PYM to operate as a lawless entity generally. Accordingly, the First Amended Complaint states a claim against Honor the Earth as an agent and civil conspirator of PYM. Therefore, Plaintiff requests that the Court deny Honor the Earth’s motion to strike and motion to dismiss.

II. STATEMENT OF FACTS AND PROCEDURAL HISTORY

CODEPINK WOMEN FOR PEACE, CODEPINK ACTION FUND, (together “Code Pink”) COURTNEY LENNA SCHIRF (“Defendant” or “Ms. Schirf”), and REMO IBRAHIM, (“Defendant,” or “Mr. Ibrahim”) on behalf of HONOR THE EARTH d/b/a PALESTINIAN YOUTH MOVEMENT (“Defendant” or “PYM”) (together, “Defendants”) organized their Hamas supporters to target and converge on a single local Jewish place of worship, Adas Torah Synagogue on Pico Boulevard, in the heart of the Los Angeles Jewish community. First Amended Complaint, Dkt. 15 ¶ 2.

The attack was organized, publicized, aided, and funded by Code Pink and PYM, two organizations that seek to destroy the Jewish state of Israel, and joined by Ms. Schirf, PYM’s lead organizer, and Mr. Ibrahim, PYM’s lead organizer for PYM’s local chapter, JOHN AND JANE DOE 1-20 (together, “Defendants”) in an unlawful effort to use violence, intimidation, and threats to prevent Jewish people from accessing the synagogue and exercising their religion. *Id.* ¶ 5.

1 On or around June 20, 2024, Defendants rallied their Hamas supporters to attack
2 people and block Jewish people from going to an Israel related event at Adas Torah. *Id.*
3 ¶ 20. Defendants targeted Jewish practices to incite their supporters to cause chaos,
4 violence, and block the entrance to the synagogue, all because of their hatred of Zionism,
5 the Jewish connection to the land of Israel. *Id.* ¶ 23.

6 On June 20, 2024, Defendant Code Pink targeted the synagogue in the Pico-
7 Robertson neighborhood of Los Angeles on social media by telling their supporters that
8 “A Mega Zionist Real Estate Event Is in LA this week.” *Id.* ¶ 24. Code Pink incited its
9 followers to “Bring flags, posters and megaphones. No Peace on Stolen Land.” *Id.* ¶ 25.

10 PYM also called on its followers to target the event as well. *Id.* ¶ 26. PYM operates
11 as an arm of Honor the Earth. *Id.* ¶ 27.

12 On PYM’s website, it states:

13 As a grassroots, volunteer-driven organization, we rely on your contributions
14 and the support of our community. All US based contributions are tax-
15 deductible and you will promptly receive your tax deduction information.

16 We also accept checks payable to “Honor the Earth” and mailed to 1430
17 Haines Ave STE 108 #225, Rapid City, SD, 57701. Please indicate “PYM” in
the memo line.

18 Thank you!

19 Contact: palyouth.usa@gmail.com

20 See Exhibit A attached to Declaration of Mark L. Javitch. ¶¶ 3-4

21 Schirf and Ibrahim (on behalf of PYM) promoted the attack under the name of
22 PYM on their Instagram profiles. *Id.* ¶ 27. Protest fliers posted on social media said,
23 “Our Land Is Not For Sale,” and condemned “land theft,” according to a PYM Instagram
24 post from the local chapter of the Palestinian Youth Movement. *Id.* ¶ 28. “Racist settler
25 expansionists are not welcome in Los Angeles!” said PYM LA. “This blatant example
26 of land theft is operating in our own backyard. The Nakba [the catastrophe that was the
27 founding of the state of Israel] is ongoing and must be confronted!” *Id.* ¶ 29.

1 On Sunday, June 23, 2024, about two hundred of Defendants' protestors gathered
2 to block access to the synagogue. *Id.* ¶ 30. Participants blocked traffic, and video shows
3 multiple altercations broke out in the middle of the street and on sidewalks. *Id.* ¶ 31.
4 Defendants and their supporters were armed with and used bear spray – strong enough
5 to repel bears – and not meant for humans. *Id.* ¶ 37.

6 Plaintiff Ronen Helmann was walking in the Pico Robertson neighborhood where
7 he resides and where Adas Torah is located. Helmann frequently congregates and prays
8 at Adas Torah. *Id.* ¶ 40. Helmann noticed JANE DOES 1-3, women who were wearing
9 headscarves and masks covering their faces, walking from house to house. *Id.* ¶ 41.
10 Helmann saw JANE DOES 1-3 were checking the doors of the houses for Mezuzahs
11 (typically seen on doorposts of Jewish homes). They appeared to be taking pictures of
12 houses with Mezuzahs. *Id.* ¶ 42. Helmann also noticed JANE DOES 1-3 were marking
13 the cars that they suspected were associated with houses with Mezuzahs. They were
14 communicating on cell phones. *Id.* ¶ 43.

15 Plaintiff became frightened, so he began walking towards Adas Torah to
16 congregate with other community members and pray for the safety of the synagogue. *Id.*
17 ¶ 44. As he got closer to the synagogue, Plaintiff saw a mob of anti-Israel protesters
18 (JOHN DOES 2-11) standing in the way of the entrance to the synagogue. *Id.* ¶ 45.
19 Helmann saw JOHN DOES 2-11 had backpacks and bear spray. They were wearing
20 masks. He was afraid they may have other weapons. *Id.* ¶ 46. As Helmann walked
21 towards Adas Torah, JOHN DOES 2-11 approached Plaintiff with cameras and came
22 right up to his face and took pictures of him. *Id.* ¶ 47. JOHN DOES 2-10 came very close
23 to Helmann's face and started yelling at him. *Id.* ¶ 48. JOHN DOE 2 yelled at Helmann
24 calling him a "nazi." JOHN DOE 3 yelled, "Hitler didn't finish the job." JOHN DOE 4
25 yelled, "baby murderer." JOHN DOE 5 yelled "colonizers." JOHN DOE 6 said, "to
26 which God are you praying?" JOHN DOE 7 yelled, "leave the neighborhood, we are
27 coming!" JOHN DOE 8 yelled itbach el yehud ("slaughter the Jews" in Arabic). JOHN
28 DOES 9-11 yelled other racial and ethnic slurs about Jews. *Id.* ¶ 49. Because of the

1 intimidating and threatening presence and conduct of the Defendants, Plaintiff decided it
2 was not safe to enter the synagogue to pray, so Plaintiff instead returned to his home. *Id.*
3 ¶ 50.

4 On July 7, 2024, Plaintiff filed suit against Defendant CodePink Women for Peace,
5 Palestinian Youth Movement, and JOHN and JANE DOES 1-20. Dkt. 1. On August 16,
6 2024, Plaintiffs RONEN HELMANN, CAMERON HIGBY, and JUDIT MAULL filed
7 their First Amended Complaint for claims for 18 U.S.C. § 248(a)(2) Freedom of Access
8 to Clinic Entrances, 42 U.S.C. § 1985(3) or 42 U.S.C. § 1986, and Cal. Penal Code §
9 423.2. Dkt. 15. On October 14, 2024, Honor the Earth filed the present motion to strike
10 and dismiss. Dkt. 40. On October 23, 2024, Plaintiffs HIGBY and MAULL voluntarily
11 dismissed their claims without prejudice. Dkt. 46. Now before the Court is Plaintiff
12 RONEN HELMANN's opposition to Honor the Earth's motion to strike and dismiss.

13 **III. LEGAL ARGUMENT**

14 **A. The Court Has Personal Jurisdiction Over Honor the Earth Because
15 PYM, Ibrahim, and Schirf's Contacts Must Be Imputed to Honor the
16 Earth**

17 Honor the Earth argues that the Court does not have jurisdiction over it because it
18 is a Minnesota entity, but that argument assumes that it has no relationship with the other
19 Palestinian Youth Movement Defendants. Honor the Earth can be held liable for its
20 relationship with PYM and because it is acting in concert and on behalf of PYM. Honor
21 the Earth does not challenge this Court's personal jurisdiction over PYM, Ibrahim, or
22 Schirf, who Plaintiff alleges acted intentionally towards California to cause a disruption
23 in this state. Honor the Earth does not dispute that the other PYM defendants satisfy the
24 elements of personal jurisdiction. The only issue is the relationship with Honor the Earth.
25 If Plaintiff establishes a sufficient relationship between Honor the Earth and the other
26 PYM defendants, the Court should also find personal jurisdiction over Honor the Earth.
27 These contacts with California must be imputed to Honor the Earth here as agents and
28 co-conspirators of the unregistered entity PYM, Defendants Courtney Lenna Schirf and
Defendant Remo Ibrahim, who also appear to act on behalf of PYM.

1 Further, it would not be unreasonable to exercise personal jurisdiction over Honor
2 the Earth. Honor the Earth cannot put its head in the sand and claim it does not expect to
3 be haled into Court for its affiliation with PYM. Honor the Earth is knowingly assisting
4 the other PYM Defendants evade the law generally with regards to its lack of registration
5 in any jurisdiction and lack of tax exempt status, and specifically by being willing to be
6 its fundraiser and fiscal sponsor before, during, and after the Adas Torah attack.

7 **B. Plaintiff States a Claim Against Honor the Earth**

8 Honor the Earth does not argue that Plaintiff fails to state a claim against any of
9 the Palestinian Youth Movement Defendants. Honor the Earth generally fails to
10 acknowledge that it can be held liable for the actions of its agents and co-conspirators.
11 Indeed, Plaintiff states a claim against PYM and Honor the Earth cannot be said to be
12 acting separately from PYM. They are acting as one organization with regards to each
13 other as if Honor the Earth is the fundraising department of PYM. Without holding Honor
14 the Earth liable, it would enable PYM to continue to be run as a lawless, unregistered
15 entity.

16 **1. Plaintiff States a Claim Against Honor the Earth under 18 U.S.C.
§ 248(a)(2) and Cal. Penal Code § 423.2(b)**

17 The Freedom of Access to Clinics Entrances is designed to ensure that places of
18 worship remain accessible and safe for all individuals seeking to exercise their religious
19 freedoms. The elements of a claim under 18 U.S.C. § 248(a)(2) Freedom of Access to
20 Clinic Entrances are (1) the defendant, by force or threat of force or by physical
21 obstruction, (2) intentionally injures, intimidates, or interferes with or attempts to injure,
22 intimidate, or interfere with any person, (3) who is lawfully exercising or seeking to
23 exercise the First Amendment right of religious freedom at a place of religious worship.

24 See *Jingrong v. Chinese Anti-Cult World Alliance Inc.*, 16 F. 4th 47, 56 (2d Cir. 2021).
25 A person is authorized to sue under § 248(a)(2) only if she was "lawfully exercising or
26 seeking to exercise the First Amendment right of religious freedom at a place of religious
27 worship or by the entity that owns or operates such place of religious worship." Id. §

1 248(c)(1)(A). Cal Penal Code § 423.2(b) makes the same conduct a violation under state
2 law.

3 Honor the Earth argues these claims cannot be brought together, but does not cite
4 any courts dismissing claims for this reason. Plaintiff's allegations are sufficient to state
5 a claim under both 18 U.S.C. § 248(a)(2) and Cal. Penal Code § 423.2(b). PYM falsely
6 accused the synagogue event of being part of an "international war crime," which echoes
7 historical antisemitic tropes and reasonably could be expected to instigate violence:
8 Pronouncing the synagogue goers guilty of "land theft," "racist settler expansionists"
9 implies that the synagogue's event was criminal or illegitimate. This false accusation was
10 intended to incite violence against the Jewish community attending the synagogue.
11 During the protest, PYM's anti-Israel demonstrators allegedly shouted "Hitler didn't
12 finish the job" and "slaughter the Jews" along with other antisemitic slurs such as "baby
13 murderer" and "colonizers." This inflammatory language specifically targeted Jewish
14 attendees of the synagogue. *See United States v. Gilbert*, 884 F.2d 454, 457 (9th Cir.
15 1989) (stating that threat should be considered in light of entire factual context, including
16 surrounding events and reaction of listeners), cert. denied, 493 U.S. 1082, 107 L. Ed. 2d
17 1044, 110 S. Ct. 1140 (1990); *United States v. Hoffman*, 806 F.2d 703, 707 (7th Cir.
18 1986) (holding that "true threat" is one made in context wherein reasonable person
19 would foresee that it would be interpreted by recipient as expression of intent to inflict
20 harm), cert. denied, 481 U.S. 1005, 95 L. Ed. 2d 201, 107 S. Ct. 1627 (1987).

21 These statements combined with the intimidation, violence, blocking the entrance
22 to the synagogue and bear spraying protesters described later in the complaint, are "true
23 threats," particularly since they were intended to disrupt what Defendants considered to
24 be an illegal event by instilling fear in the Jewish congregants at Adas Torah Synagogue.
25 Several people, including Jews and journalists, were physically attacked, further
26 emphasizing the violent nature of the protest and the antisemitic undertones driving these
27 actions. Such activity should have been expected when PYM told its supporters that they
28

1 must prevent “international war crimes” by obstructing a neighborhood synagogue.
2 Accordingly, the FAC states a claim under 18 U.S.C. § 248(a)(2).

3 Honor the Earth argues that it cannot be held liable for the actions of PYM, but this
4 ignores their relationship including the substantial assistance Honor the Earth is
5 providing PYM, and that PYM could not exist and perform any actions without the
6 assistance of Honor the Earth, through which it receives donations. Honor the Earth is
7 essentially operating as the funding and fundraising arm of PYM, a non-registered,
8 unlawful entity. Honor the Earth is an agent of PYM, Honor the Earth Ratifies PYM’s
9 conduct, and PYM’s contacts may be imputed to Honor the Earth.

10 **2. Plaintiff States a Claim Against Honor the Earth Under 42 U.S.C.
11 § 1985(3) or 42 U.S.C. § 1986**

12 United States Code Title 42 Section 1985(3) states that if two or more persons in
13 any state “conspire to go in disguise on the highway or on the premises of another, for
14 the purpose of depriving, either directly or indirectly, any person or class of persons of
15 the equal protection of the laws, or of equal privileges and immunities under the laws ...
16 if one or more persons engaged therein do, or cause to be done, any act in furtherance of
17 the objects of such conspiracy, whereby another is injured in his person or property, or
18 deprived of having and exercising any right or privilege of a citizen of the United States,
19 the party so injured or deprived may have an action for the recovery of damages
20 occasioned by such injury or deprivation, against any one or more of the conspirators.”

21 Plaintiff states a claim against the PYM Defendants under 1985(3). Defendants
22 conspired together to disguise in masks for the purpose of depriving Jewish people,
23 including Plaintiff Ronen Helmann, of the equal protection of the laws and equal
24 privileges and immunities under the laws, and Plaintiff incurred damages due to the
25 actions of Defendants in being threatened and not able to access the synagogue. FAC at
¶¶ 79-80.

26 Plaintiff also states a claim against the PYM Defendants under Section 6 of the Ku
27 Klux Klan Act (42 U.S.C. § 1986), which makes liable any person who knows that the
28

1 wrongs conspired to be done and mentioned in section 1985 are about to be committed,
2 has the power to prevent or aid in preventing those wrongs and yet neglects or refuses to
3 help prevent them. Each Defendant had knowledge that the wrongs conspired to be done,
4 as set out above, were about to be committed and neglected or refused to prevent or aid
5 in preventing those wrongs. FAC at ¶¶ 83-85.

6 **C. Honor the Earth Ratified the other Defendants' Conduct**

7 Honor the Earth has ratified its co-defendants' actions because it has taken actions
8 that affirm and endorse the conduct of its co-Defendants, even during and after unlawful
9 conduct has taken place. If it disagrees or seeks to disavow PYM's conduct, it has failed
10 to do so. This failure to dissent is approval and constitutes ratification.

11 Honor the Earth is enabling PYM to evade rules on illegal acceptance of Tax-
12 Deductible Donations: Honor the Earth appears to be a properly registered 501(c)(3)
13 organization that is permitted to accept tax-deductible donations to support its charitable
14 causes. It appears that Honor the Earth is abusing this status for the benefit of PYM, who
15 does not enjoy the same status. Honor the Earth is knowingly accepting donations
16 illegally on behalf of PYM who lacks 501(c)(3) status. Honor the Earth is enabling
17 PYM's evasion of nonprofit regulations, as PYM is operating lawlessly and not subjected
18 to the same oversight, transparency, and accountability standards required of a registered
19 501(c)(3) organization.

20 Honor the Earth is also filtering funds to PYM and is aware that PYM uses these
21 funds towards committing the alleged violations. Honor the Earth appears to be endorsing
22 and enabling PYM's actions. This continues even after the alleged violations have been
23 committed. Honor the Earth continues to accept and transfer donations to PYM even after
24 PYM has committed the unlawful acts as described in this lawsuit. Accordingly, Honor
25 The Earth appears to be approving of PYM's behavior. This ongoing support continues
26 to strengthen the ratification, as Honor the Earth is consciously choosing to maintain the
27 financial support even with knowledge of its co-defendants' misconduct.

1 But it is not simply donations and tax-exempt status – Honor the Earth is permitting
2 PYM to operate as a lawless, unregistered entity. PYM has no registration in any state
3 that Plaintiff can locate. Honor the Earth is arguing that Honor the Earth can facilitate
4 PYM’s lawless operations and have no agency liability for its actions. On the contrary,
5 Honor the Earth’s support of PYM through its lawless operation and committing civil
6 violations should also expose Honor the Earth to liability,

7 **D. Honor the Earth Is Also Liable Under Civil Conspiracy**

8 A claim for civil conspiracy consists of three elements: “(1) the formation and
9 operation of the conspiracy, (2) wrongful conduct in furtherance of the conspiracy, and
10 (3) damages arising from the wrongful conduct.” *Kidron v. Movie Acquisition Corp.*, 40
11 Cal. App. 4th 1571, 1581, 47 Cal. Rptr. 2d 752 (1995)). To establish liability for civil
12 conspiracy under California law, the conspiring defendants must “have actual knowledge
13 that a tort is planned,” must “concur in the tortious scheme,” must have “knowledge of
14 [the scheme’s] unlawful purpose,” and must “inten[d] to aid in achieving the objective of
15 the conspiracy.” *Id.* at 1582 (citation omitted).

16 PYM recently agreed with Honor the Earth to become its financial and fiscal
17 sponsor. Honor the Earth’s financial support and integration of the other PYM
18 defendants, establishing knowledge before and support continuing after the Adas Torah
19 attack, and enabling the evasion of non-profit and entity registration rules, establishes
20 that Honor the Earth is well aware of PYM’s lawless behavior and seeks to continue
21 assisting PYM. Accordingly, Honor the Earth is liable in a civil conspiracy with the other
22 Defendants.

23 **IV. CONCLUSION**

24 For the reasons explained herein, Plaintiff respectfully requests the Court deny
25 Honor the Earth’s motion to strike and motion to dismiss. If the court does grant the
26 motion to dismiss, Plaintiff requests leave to amend.

28 Dated: October 28, 2024

Respectfully submitted

1 MARK L. JAVITCH
2

3 By: /s/ Mark L. Javitch
4 Mark L. Javitch (SBN 323729)
5 JAVITCH LAW OFFICE
6 3 East 3rd Ave. Ste. 200
7 San Mateo CA 94401
8 Tel: (650) 781-8000
9 Fax: (650) 648-0705

10
11 *Attorney for Plaintiff*
12 RONEN HELMANN
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF SAN MATEO

At the time of service, I was over 18 years of age. I am employed in County of San Mateo, State of California. My business address is Javitch Law Office, 3 East 3rd Ave, Ste. 200, San Mateo, California, 94401.

I declare that I served a copy of this document via the Court's Electronic Filing System to all counsel of record.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: October 28, 2024

/s/ Mark L. Javitch

Mark L. Javitch